

**R E M A R K S**

By the present amendment, claims 1, 14-16 and 25 are amended to improve their form, and a verified English translation of the priority application is submitted.

At Items 3-7 of the Official Action, the claims under examination were rejected as allegedly being indefinite for the several reasons there noted.

As noted above, the present amendments to claims 1, 14-16 and 25 are believed to improve the form of the pending claims. It is believed to be evident from the amendments made to those claims that each of the formal criticisms raised in the Official Action has been addressed and resolved.

It is therefore believed that the indefiniteness rejection of the pending claims may now be withdrawn.

At items 8-10 of the Official Action, claims 1-5, 7-11, 14-16, 19, 21 and 25 were rejected under 35 USC §103(a) as allegedly being unpatentable over Lacan et al (US 2003/0049370) in view of Souel et al (US 6,281,468); and at Item 11 of the Official Action, claims 22-24 were rejected under 35 USC §103(a) as allegedly being unpatentable over Lacan and Souel and further in view of Kimock et al (US 5,190,807).

Those rejections are respectfully traversed, for the following reasons.

Lacan has a publication date of March 13, 2003, which is subsequent to the November 15, 2002 filing date of the present French priority application. Attached to the present amendment is a verified English translation of that French priority application, which serves to perfect the claim to priority and thus to remove Lacan from potential eligibility as a prior art reference under 35 USC §102(a). In thus removing Lacan from eligibility under 35 USC §102(a), applicant does not concede that it would be unable to remove Lacan in the alternative by demonstrating that the relevant disclosure of that publication is attributable to the present inventors.

Lacan has a U.S. filing date of May 17, 2002, which is prior to the November 15, 2002 filing date of the present French priority application. However, Lacan and the present application are commonly owned by Essilor International (see the assignments recorded at Reel 017466, Frame 0108 for Lacan and at Reel 013290, Frame 0220 for the present application). As Lacan would qualify as prior art to the present application only under 35 USC §102(e) (to the extent that it is prior art at all), its common ownership with the present application precludes its use in an obviousness rejection of any of the present claims, per 35 USC §103(c). In thus overcoming the obviousness rejections involving Lacan pursuant to 35 USC

§103(c), applicant does not concede that it would be unable to remove Lacan in the alternative by demonstrating that the relevant disclosure of that publication is attributable to the present inventors.

It is therefore believed that the rejections of claims 1-5, 7-11, 14-16, 19 and 21-25 under 35 USC §103(a) may now also be withdrawn.

From the foregoing, it is believed that claims 1-5, 7-11, 14-16, 19 and 21-25 are now in condition for allowance. Applicants moreover respectfully request that the non-elected dependent claims 3, 6, 10, 12, 13, 18 and 20 be rejoined at this time, and that the present application be allowed and passed to issue with claims 1-16 and 18-25, as amended.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following item:

- ☒ - a verified English translation of foreign priority document